



**OHIO FIRST DISTRICT COURT OF APPEALS**

---

temporary custody of one or more public children services agencies \* \* \* for twelve or more months of a consecutive twenty-two month period \* \* \*.”

The record shows that the children were taken into the custody of HCJFS on June 15, 2015. The motion to modify temporary custody to permanent custody was filed on May 31, 2017. Thus, the record shows by clear and convincing evidence that the children were in the custody of HCJFS for over 12 of 22 months, and the condition in R.C. 2141.414(B)(1)(d) was satisfied. *See In re C.E.1*, 1st Dist. Hamilton No. C- 140674, 2015-Ohio-5710, ¶ 10; *In re W.W.*, 1st Dist. Hamilton Nos. C-110363 and C-110402, 2011-Ohio-4912, ¶ 50-53.

The only remaining issue is whether granting HCJFS’s motion for permanent custody was in the children’s best interest. *See M., R., & H. Children* at ¶ 23; *C.E.1* at ¶ 11. The record shows that the juvenile court properly considered the factors set forth in R.C. 2151.414(D). *See M., R., & H. Children* at ¶ 23. Clear and convincing evidence supported the juvenile court’s determination that granting permanent custody was in the children’s best interest. Therefore, the evidence was sufficient to support an award of permanent custody to HCJFS. *See id.* at ¶ 17 and 27; *In re A.B.*, 1st Dist. Hamilton Nos. C-150307 and C-150310, 2015-Ohio-3247, ¶ 15; *C.E.1* at ¶ 11-12.

Mother relies heavily on her own testimony, which the magistrate did not find to be credible. Matters as to the credibility of evidence were for the trier of fact to decide. *Davis v. Flickinger*, 77 Ohio St.3d 415, 419, 674 N.E.2d 1159 (1997); *In re Z.H.*, 1st Dist. Hamilton Nos. C-150301 and C-150305, 2015-Ohio-3209, ¶ 10. Though mother had made some progress in dealing the with the issues that had caused the children to be removed from her home, the record shows that she lacked

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

the cognitive abilities and judgment to deal with the children's special needs and to protect them from harm.

Consequently, we hold that the juvenile court did not err in granting permanent custody of the children to HCJFS. We overrule mother's sole assignment of error and affirm the juvenile court's judgment.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MOCK, P.J., ZAYAS and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on June 1, 2018  
per order of the court \_\_\_\_\_.  
Presiding Judge